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Petition
Denied

MAILED

JUL 18 1989

OFFICE OF THE DIRECTOR
GROUP 230

In re application of
Martin G. Reiffin
Serial No. 06/719,507
Filed: April 3, 1985
For: COMPUTER SYSTEM WITH
REAL- TIME COMPILATION

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: DECISION ON PETITION
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This is a decision on the PETITION, filed May 5, 1989 to have the Commissioner invoke his supervisory authority under 37 CFR 1.81 to: (a) direct entry of a Reply Brief and a post appeal amendment both filed January 23, 1989; and to, (b) require the examiner to render a decision, by way of an advisory action, on the allowability of new claims contained in said post-appeal amendment (hereinafter, the "Amendment"). The Petition is DENIED.

APPLICATION HISTORY

A complete review of the application has been made.

Appealed claims 51, and 56 stand finally rejected on art. The art issues involved were Briefed and Answered by the applicant and examiner, in Papers No. 25 and 26, respectively. Said Answer included a "new ground of rejection" directed to the interrupt aspect of the claimed invention.

Applicant responded to the Examiner's Answer with the Amendment (comprising new claims 57-67), and with a Reply Brief comprising arguments directed toward the merits of said new claims. The examiners letter mailed April 17, 1989 (Paper No. 30) denied entry of the of the amendments and facts pertinent to the new ground of rejection (i.e., the interrupt reature of the appealed claims). (See 37 1.193(b), M.P.E.P. 1208.03 (Section 2)).

DISCUSSION

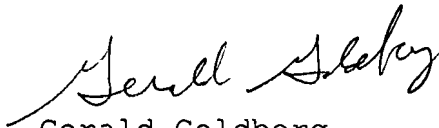
The change in scope of the claims, from that of the appealed claims to that of the newly submitted claims, was not necessitated by or pertinent to the new grounds of rejections in the Examiner's Answer.

Applicant's Reply Brief included an amendment which is not pertinent to the new ground of rejection. The new ground of rejection set forth in the Examiner's Answer was directed to the interrupt aspect of the claimed invention. The nature, structure and functions of the code processor program were not part of the new ground of rejection. The system taught by Maddok was not used to show any particular function of the formatting and editing programs. The Maddox system is used to show the interrupt aspect that it inherently disclosed in Lawrence et al system, a prior art reference of record.

DECISION:

The Examiner's position is maintained. The Petition is denied. Application will be forwarded to the Board of Appeals. The amendment will not be entered.

SUMMARY: The Petition is DENIED.



Gerald Goldberg
Director, Group 230

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